

IN RE: DEVELOPMENT PLAN HEARING AND	* BEFORE THE HEARING OFFICER/
PETITION FOR SPECIAL HEARING	
NW/S Red Lion Rd., 450 ft.(+/-)	* ZONING COMMISSIONER
NE of c/l Proctor Avenue	
Thomasland Golf Facility	* OF BALTIMORE COUNTY
11th Election District	
5th Councilmanic District	* Case Nos. XI-701 & 95-96-SPH
Thomasland Associates	
Applicant/Developer	*

\* \* \* \* \*

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined development plan hearing and Petition for Special Hearing for the property located on Red Lion Road in White Marsh. The property is owned by Thomasland Associates. Development plan approval is sought for the proposed use of the site pursuant to the development regulations found in Title 26 of the Baltimore County Code. As to the Petition for Special Hearing, relief is requested to approve the proposed use of the site as a practice or training, physical conditioning facility in an M.L. zone.

Appearing at the required Hearing Officer's hearing was Chris Hudnet and George Hudnet, principals of Thomasland Associates. Also appearing was Rick Chadsey, the engineer from G.W. Stephens and Associates, Inc., who prepared the site plan. The Petitioner was represented by John B. Gontrum, Esquire. Also present were several representatives of the various Baltimore County agencies which evaluated the project. These included David Flowers, the Project Manager, Joseph Merrey from the Office of Zoning Administration and Development Management (ZADM), Leslie Schreiber from the Department of Public Works, and Francis Morsey from the Office of Planning and Zoning. There were no Protestants or other interested persons present.

ORDER RECORDED FOR FILING  
 DATE 10/14/98  
 BY [Signature]

MICROFILMED

As to the history of the development plan approval process, a Concept Plan was submitted on March 14, 1994. Thereafter a Community Input Meeting was held on April 18, 1994 at the Perry Hall High School, and a second meeting conducted on June 2, 1994 at the White Marsh Library. The Development Plan was submitted and a conference was held on August 24, 1994. The Hearing Officer's hearing was scheduled and held on October 4, 1994 in its entirety.

As to an overview of the subject site, the property is 17.74 acres in area and is zoned M.L. Presently, the site is unimproved. The property lies adjacent to Red Lion Road and also shares a common border with the B & O Railroad line which runs in a northeast/southwest direction. The site is easily accessed by Pulaski Highway.

The Petitioner proposes development of the subject site as a golf and baseball training facility. As show on the site plan, proposed is a large driving range area, a mini-golf facility, a baseball/softball batting instructional area and three buildings which will house offices, physical fitness equipment, classrooms and similar facilities.

As to the development plan, I am required, pursuant to Section 26-206 of the Baltimore County Code to determine if any outstanding or unresolved issues exist which would prohibit development. Obviously, no concerns or comments were raised in this respect from the surrounding community in that no one appeared from the vicinity in opposition. As to County issues, Mr. Schreiber indicated that a number of his department's boiler plate issues had been addressed on the revised red line plan. He did request, however, an addition on the plan to show a 15" utility line inside an easement area and to note that the right of way for said easement had been dedicated to the County. Also, he requested that the standard sight distance comment, indicating that this line of sight be kept clear,

graded and free of obstruction, be added. The Developer and its engineer indicated that these revisions were acceptable and would be added to any approved plan.

On behalf of the other agencies present, Messrs Morsey and Merrey indicated that no development plan issues were outstanding. Thus, pursuant to the Code, the development plan should be approved as revised with the red line additions noted hereinabove.

The major issue presented for deliberation relates to the zoning case and the Petition for Special Hearing. In this respect, significant testimony was offered by Mr. Merrey and proffered on behalf of the Developer/Petitioner by Mr. Gontrum. The issue presented here is simple to identify but difficult to resolve. In essence, the issue turns on the Developer's request for a determination that the proposed use is permitted as of right in an M.L. zone pursuant to Section 253.1.A(40a) of the Baltimore County Zoning Regulations (BCZR).

As noted above, the site is zoned M.L. Moreover, as is well settled, the Baltimore County Zoning Regulations are written in the affirmative; that is, only those uses specifically identified are permitted by right or special exception. See Kowalski v. Lamar, 25 Md. App. 493, (1975). Uses not delineated in the regulations as permitted by right or special exception are not allowed.

A review of the uses permitted in an M.L. zone in Section 253 of the BCZR fails to disclose any specifically identified use which precisely meets the proposed use here. The Developer/Petitioner, through their Petition for Special Hearing, requests a determination that the proposed use falls within that use allowed by Section 253.1.A.(40a) of the BCZR.

That section allows "A practice or training, physical conditioning facilities and fields for amateur or professional sports organizations,

ORDER RECORDED TO BE FILED  
10/10/90  
In Court

colleges and school systems in an effort to enlist these amateur organizations to establish memberships at the facility.

In further support of this argument, the Developer/Petitioner offered two other opinions rendered by this office relating to this issue. In case No. 89-248-SPH, then Zoning Commissioner, J. Robert Haines, addressed the issue of whether a Holiday Universal Health Center was permitted in an M.L. zone pursuant to Section 253.1.A.(40A). In a well thought out decision, Commissioner Haines opined that "When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property." Citing Mayor of Baltimore v. Byrd, 62 A2d 588, (1948) and Lake Adventure, Inc. v. Zoning Hearing Board of Dingham Township, 440 A2d 588 (1948) (PA.CMWLTH., 1982).

Commissioner Haines held in that case that the proposed fitness center and physical conditioning facility was a permitted use in an M.L. zone as a matter of right. He held that such a use fell within the broad language contained within Section 253.1.A.(40A).

A similar result was reached by Commissioner Haines in case No. 90-295-SPHA. That matter eventually reached the Board of Appeals on appeal wherein it was held that a fitness/wellness center on an M.L.-I.M. zone was permitted as of right.

In considering the instant case, it is of particular note that the location and characteristics of the subject site appear ideally matched to the proposed use. The tract is of sufficient acreage to support the proposed use and is near major arterial roads. Traffic congestion will not be a problem. Moreover, the site is located immediately adjacent to the B & O Railroad line. As such, the number of uses are limited and this proposed recreational facility will prove an ideal fit to the property. It



is also to be noted that the facility is unique and will provide amenities to Baltimore County and more particularly the White Marsh area.

In considering the definition contained within Section 253.1.A.(40A), it is to be noted that the use described therein encompasses both practice or training physical conditioning facilities. The definition is written in the disjunctive; therefore, either use is allowed. One might argue that the proposed use does not promote physical fitness in the same sense as a health spa or fitness center. Although some athletic equipment will be on site, the proposed use is not a gym, fitness center or spa. No one will patronize this site to obtain a traditional physical workout either through aerobics, weights, nautilus, etc. However, the definition does allow a practice facility. Baseball/softball and golf are sporting pursuits which require repetitive practice in order to achieve maximum results. In this regard, the site surely is a practice facility in that it provides its patrons the opportunity for necessary repetitions and instructions in these disciplines. Moreover, it was proffered that the remaining portions of the definition, prohibiting public accommodations, improper lighting, ticket sales, etc., will not occur here. Moreover, the site will be utilized by amateur associations, (e.g., recreation counsels, colleges, etc.)

Under these circumstances, based upon the uncontradicted testimony and evidence offered, I am persuaded that the proposed use fits within the language contained within Section 253.1.A.(40A). Thus, I shall hold that this site, as described on the site plan, is a permissible use in the M.L. zone.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the develop-

ORDER RECEIVED FOR FILING

Date 10/14/90  
By J. Marsh

ment plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14<sup>th</sup> day of October 1994, that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to use the site as herein described on the site plan, in an M.L. zone, under Section 253.1.A.(40A), be and is hereby GRANTED.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date 10/10/94  
By M. Howard

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 13, 1994

John G. Gontrum, Esquire  
814 Eastern Boulevard  
Essex, Maryland 21221

RE: Case Nos. XI-701 and 95-96-SPH  
Project: Thomasland Golf Facility  
Thomasland Associates, Developer  
Location: Red Lion Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Development Plan Order and Petition for Special Hearing have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

cc: Mr. Chris Hudnet  
Mr. George Hudnet  
cc: Mr. Dave Flowers, Project Manager  
cc: Various County agencies





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Red Lion Road

which is presently zoned M.L.-~~RM~~ *GB*

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a practice or training, physical conditioning facility in an M.L.-~~RM~~ zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

John B. Gontrum, Esq.

(Type or Print Name)

Signature

814 Eastern Blvd. (410) 686-8274

Address

Essex, Maryland

21221 Phone No.

City

State

Zipcode

**DROP-OFF  
No REVIEW**



**9-16-94**

**WCR**



Legal Owner(s)

Thomasland Associates

(Type or Print Name)

Signature

P.O. Box 185

(Type or Print Name)

Kingsville, MD 21087

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

**MICROFILMED**

FROM THE OFFICE OF  
 GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
 ENGINEERS  
 658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to accompany Petition for Special Hearing  
 Thomasland Golf Facility

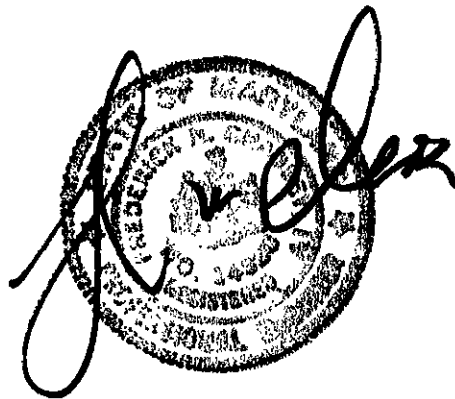
September 14, 1994

Beginning at the same point said point being North 35 degrees 00 minutes 30 seconds East 413.50 feet from the point formed by the intersection of the centerline of Proctor Avenue with the centerline of Red Lion Road, running thence leaving said point of beginning, the following 14 courses;

1. North 38 degrees 59 minutes 05 seconds West 727.88 feet, to a point on the southeasterly right-of-way of the CSX Railroad,
2. Thence running along said right-of-way, North 28 degrees 32 minutes 04 seconds East 1317.18 feet,
3. South 28 degrees 20 minutes 56 seconds East 3.58 feet,
4. North 28 degrees 32 minutes 04 seconds East 224.51 feet,
5. Thence leaving said CSX Railroad right-of-way, South 31 degrees 46 minutes 56 seconds East 135.67 feet,
6. South 03 degrees 44 minutes 56 seconds East 668.57 feet,
7. South 23 degrees 21 minutes 17 seconds East 267.65 feet,
8. South 66 degrees 31 minutes 04 seconds West 417.43 feet,
9. South 27 degrees 21 minutes 40 seconds East 149.05 feet,
10. South 44 degrees 50 minutes 04 seconds West 268.22 feet,
11. South 42 degrees 10 minutes 56 seconds East 276.92 feet,
12. South 38 degrees 41 minutes 04 seconds West 21.82 feet,
13. South 45 degrees 04 minutes 16 seconds West 199.44 feet,
14. South 38 degrees 19 minutes 04 seconds West 47.00 feet, to the point of beginning.

Containing 17.740 acres more or less.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR AGREEMENTS OR CONVEYANCES.



APPROVED FOR RECORD

# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

## Case Number:

95-96-SPH

N/S of Red Lion Road,  
between Proctor Avenue  
and Stevens Road  
11th Election District

5th Councilmanic

## Petitioner(s):

Thomasland Associates

**Special Hearing:** to approve  
a practice or training, physical  
conditioning facility in an M.L.  
zone.

**HEARING: TUESDAY**

**OCTOBER 4, 1994 at**

**11:00 a.m.**

**in Rm. 118, Old Courthouse.**

**LAWRENCE L. SCHMIDT;**

**Zoning Commissioner for**

**Baltimore County**

**NOTES: (1) Hearings are H&H-  
looped accessible for special  
accommodations. Please Call  
867-3353.**

**(2) For informa-  
tion concerning the File and/or  
Hearing, Please Call 867-3391.**

**9/308 September 22.**

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/22, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/22, 1994.

**THE JEFFERSONIAN,**

*A. Henickson*

**LEGAL AD TOWSON**

NOTED FOR FILE



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

# receipt

Account: R-001-6150

Number 103 (WCR)

Date

9/16/94

DROP -- OFF ----- NO REVIEW

#040 --- SPECIAL HEARING ----- \$250.00

#080 --- SIGN POSTING ----- 35.00

TOTAL ----- \$285.00


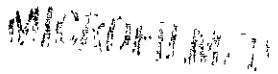
Thomasland Associates  
Red Lion Road  
(Thomasland Golf & Baseball Training Facility)  
District: 11c5  
Zoning: M.L.  
Acres: 17.740  
Attorney: John B. Gontrum

Check from Romadka, Gontrum

& McLaughlin \$285.00  
01A01#005211100  
BA 0008:52AM09-19-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

				CHECK	
DATE	DESCRIPTION	INVOICE #	AMOUNT	DEDUCTION	NET AMOUNT
9/16/94	Baltimore County		\$285.00		
	Hudnet, George (Thomasland Golf Facility)		93.3019		
	Filing of Petition for Special Hearing				
					
					
CHECK DATE	CONTROL NUMBER	TOTALS ►			



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Rescheduled from 9/14/94  
DEVELOPMENT PLAN HEARING  
Project Name: Thomasland Golf Facility  
Project Number: XI-701  
Location: NS of Red Lion Road, between Proctor Avenue and Stevens Road  
Acres: 17.7+/-  
Proposal: Driving range, batting cage, mini golf and future game room.

AND

CASE NUMBER: 95-96-SPH  
N/S of Red Lion Road, between Proctor Avenue and Stevens Road  
11th Election District - 5th Councilmanic  
Petitioner(s): Thomasland Associates

Special Hearing to approve a practice or training, physical conditioning facility in an M.L. zone.

HEARING: TUESDAY, OCTOBER 4, 1994 at 11:00 a.m. Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: John B. Gontrum, Esq.  
Thomasland Associates

**MICROFILMED**

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

John B. Gontrum, Esq.  
814 Eastern Ave.  
Essex, Maryland 21221

RE: Item No. 103, Case No. *95-96-SPH*  
Petitioner: Thomasland Associates

SEP. 28 1994

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 16, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,  
*W. Carl Richards, Jr.*

W. Carl Richards, Jr.  
Zoning Supervisor,

WCR:jaw

*RECEIVED*



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

September 28, 1994

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #103 - Thomasland  
Red Lion Road  
Zoning Advisory Committee Meeting of September 26, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the site must strictly adhere to the approved development plan, conditions of forest buffer variance granted on May 23, 1994, and all applicable CBCA Regulations.

Development Coordination

This development must comply with the Development Plan Conference comments dated August 24, 1994.

/

JLP:GS.BS:sp

THOMASL/DEPRM/TXTSBP

*Reviewed*

SEP. 29 1994

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 09/27/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: THOMASLAND ASSOCIATES

LOCATION: NW/8 RED LION RD., 413' NE OF PROCTOR AVE.  
(RED LION RD.- THOMASLAND GOLF & BASEBALL TRAINING FACILITY)

Item No.: 103

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 350 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. AT LEAST ONE (1) fire hydrant will be required on site.

RECEIVED

SEP 27 1994

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM

cc: File

MICROFILMED





*Maryland Department of Transportation  
State Highway Administration*

O. James Lighthizer  
Secretary  
Hal Kassoif  
Administrator

9-27-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: ~~103~~ (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

David Ramsey, Acting Chief  
Engineering Access Permits  
Division

BS/

SEP 28 1994

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

October 3, 1994

John B. Gontrum, Esquire  
814 Eastern Boulevard  
Essex, MD 21221

RE: Preliminary Petition Review (Item #103)  
Legal Owner: Thomasland Associates  
Red Lion Road (Thomasland Golf and  
Baseball Training Facility)  
11th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The issue is not whether a "practice or training physical conditioning facility" is permitted in a M.L. zone. Such an enterprise is permitted as a matter of right. The question presented is whether the "Thomasland" facility, as proposed, is a "practice or training physical conditioning facility" within the purview of Section 153.1.A.40.a (BCZR).

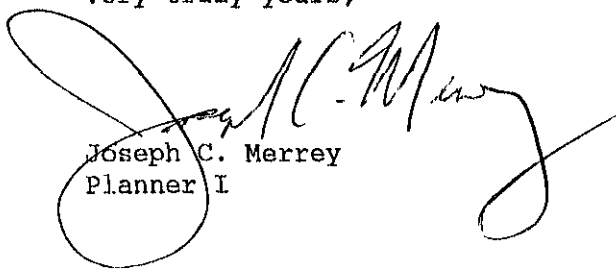


John B. Gontrum, Esquire  
October 3, 1994  
Page 2

2. Site plan incorrectly reflects under the "Development Summary" note that a special exception (is) required for all proposed uses.
3. There is no telephone number for the legal owner on the petition forms.
4. The petition forms need to have the typed or printed name and title of the person signing for the legal owner.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,



Joseph C. Merrey  
Planner I

:scj

Enclosure (receipt)

cc: Zoning Commissioner

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S of Red Lion Road, between		
Proctor Avenue and Stevens Road	*	ZONING COMMISSIONER
11th Election Dist., 5th Councilmanic	*	
	*	OF BALTIMORE COUNTY
Thomasland Associates		
Petitioners	*	CASE NO. 95-96-SPH
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*  
 \_\_\_\_\_  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26<sup>th</sup> day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioners.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN



# Community Input Meeting

Thomasland Golf Facility

Whit Marsh Library 7:00

Rich Charles  
Dean Hove

John Lanthorn Introduction

D.F.

G.W.S. /

Concept Plan

John Lanthorn

\* David Hove asked the community if anyone seconded committee. They did. It was agreed that the committee would not be read about to the community. We accepted the plan M.L.

Recreational Complex

Have public center / suit public service.

- Full Fledge Golf Facility / use by CCC
- Putting Green
- Miniature Golf / secondary use.

- Extend the Fencing along CSX RR

\* If the SWM pond remains in its same location then it will be part of CBCH.

- Do we need another Golf Course.

- Brent Merrill /  
Faint or land Rainy Hill Ave.

- No guarantee that the same will be in the area in 3 years  
NO.

7-8
2 letters
+ telephone

Have public seen will not for him in 5 years

Printer intend may have to bring serum to serve the area

\* Have ~~low~~ training; from an site will allow it to be a permit use to be determined at do Zoning Hearing

Capitol Budget Hearing Jan 2, 000  
around \$42, million

\* The use of postural inferting

- ① - S.W. will be shift to of SWM
- ② - make Gulf Long the quantity
- ③ - not shift to the stream

\* Location of of SWM post.

to learn the post not ask for a waiver of OBCA

- located there because the plan of <sup>detention</sup> instead of infiltration  
the water in that direction

Have the facility is operated for part time <sup>2 hrs</sup> limitation  
use VS  
full time use

~~the~~ \* Having facility and system under the  
diffusion

\* Traffic

138 parking spaces.

only 134<sup>2</sup>

- ① size of bldg
- ② y of trees
- ③ not real usage

Red Lion Rd is not adequate

- 2 hill
- small culvert

~~There are~~ ~~Trucks~~

Main concern for the people who live there.  
~~Main concern~~

Are you going to widen Red Lion Rd.

- Lastly at last of traffic for Hoped Creek.  
using it as a shut out into of Rt 40 + Rt 7
- a lot of ~~traffic~~ ~~traffic~~ on Cherry Rd.
- ~~make Red Lion Rd. a one way street~~

Weekend Eve.

Not a peak hour factor. hif a no

Plan of 9 to 10:30

Rt 7  
+ Rt 40

- Rt 43 intersection is being improved
- with a ramp that will improve the hif
- Rt 43 + 40 will improve in the near future

\* Sight Distance factor expand currently on Red Lion Rd.

\* This project will adhere to all traffic side distance factors.

\* There will be a fence to keep the balls off CST RR

(4)  
R P.H. Coker

- split the all party

Artificial

\* Natty agent Gull  
put went the party to feel in with the  
Community

~~Not in my hand yet.~~

Community Input Meeting  
Minutes of the Meeting # 2

Minutes to  
all on attendance sheet ①

Date: June, 1994

Name of Development: Thomasland Golf Facility  
ZADM File No: X1-701

Location: North side of Red Lion Road west  
of Stevens Rd., 10926 Red Lion Rd

Date of Meeting: Tuesday June 7, 1994

Start Time 7:00 pm

End Time 8:00 pm

Project: 17.7 acres

Proposed Use: Recreational Complex,  
Full Golf Facility,  
Batting Cages.

This Community Input Meeting (C117) was held in the meeting room of the White Marsh Library, 8133 Sandpiper Circle and began at 7:00 pm. David Flawin, Project Manager, representing Baltimore County, Dept. of Zoning Administration and Development Management (ZADM), explained the County Development Regulations relating to the C117, the Concept Plan, Development Plan and the public hearing before the Hearing Officer.

Mr. John Lanthorn, the attorney representing the developer of the property was introduced. Mr. Lanthorn explained the development proposal to the community by describing the following:

1) Site Constraints Plan

MICROFILMED

This is a plan that outlines the subject property and indicates the existing features of the land. The plan shows features such as:

- bridge
- tree
- stream
- well
- open area
- etc.

## 2. Concept Plan

This is a plan that outlines how the proposed development will be constructed on the subject property. The plan shows:

- layout of the golf facility
- rough
- parking
- bridge
- landscaping
- storm water drainage
- etc.

## 3) An aerial photograph of the subject property was also on display.

The various Baller County Departments have provided written comments for the proposed development. These comments provide information and recommendations for the golf facility to be in compliance with County regulations. Mr. Bontura had these comments available for the meeting attendees.

After the presentation Mr. Rick Chodsky and Mr. Dean Hoone engineers for George W. Stephens and Associates were introduced.

The meeting was open for questions and comments from the community.

- A resident asked why do we need another Golf Course? There are a number of driving ranges all ready in the general area.

There is a need for golf facilities in Balt. County. It is one of the highest growth recreational spots in the county. Balt. Count has one of the lowest number of golf courses and facilities in the nation. There is a need to satisfy this market.

- What about public sewer service?

There is no guarantee that public sewer will be in the area within 5 years. Private interest may have to bring public sewer service into the area. The Platteau County Capital Budget includes service by approximately year 2000.

- What is the difference for this development - golf facility - to be an "interim use" instead of a permanent use?

MEMORANDUM

By providing training, having a pro on

site will allow the facility to be a permanent  
use. This will be determined at the public  
hearing. Training + infrastructure must be different.  
Scholar will also include the facility and management.  
— The use of geotextiles and geotextiles is  
a concern of the roadside.  
Yes there will be the use of geotextiles  
and geotextiles with site. The use of  
application of these products is state  
regulated.

The storm water runoff from the  
site will be directed into the stream in  
management facility. This facility will  
be designed for paved area, gravel, etc.  
then will not be an oblique design. It  
will be a stream. After the site is built and  
it that of a 18 hole golf course, it will  
require a higher level of protection.

application of the facility is a  
- The roadside is very important  
traffic. Real also is a must adequate  
near for the amount of traffic that will  
commence from the highway. There are  
a number of vehicles that will be  
on a about cut into it of 1240 and 1277.  
There currently exist a 2 mile long  
small culvert on Red River. It is not  
create a safety issue. There are a traffic

This facility will not generate traffic  
during the peak hours of traffic peak or  
7:45 am, and 4-6 pm during the day  
afternoon and evening hours.



primary line former of traffic activity.

Also Rt 43 and Rt 7 intersection is being improved and Rt 43 and Rt 40 intersection will improve in the near future. These improvements will also help the traffic situation.

- There are sight distance factors that currently exist on Red Lion Rd that ~~with~~ the community feels are not safe.

This proposal will adhere to all traffic requirements including proper sight distances.

mm - The community questions the location of the Storm Water Management Facility.

A portion of the property is located within the Chesapeake Bay Critical Area. This requires infiltration of storm water. If infiltration is not feasible then the developer must ask for a waiver of this requirement to have a detention facility.

The S.W.M. facility is located in the area because the flow of water is in that direction.

\* There will be a fence to keep golf ball off of CSX Rail Road.

\* The site will be landscaped all along the property.

The community has a lot of problems that are not the fault of the golf facility, such as more traffic, public parking, etc. The residents have no other place to go. Also, the most difficult thing to fix is the fact that the community is not doing anything that they have to put up with.

With no other questions from the community, the meeting was adjourned.

07.  
 07.07.2020  
 07.07.2020

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES  
SIGN-IN SHEET

NAME

ADDRESS

FRANCIS MORSEY

PLANNING

JOE MERREY

ZADY

LES SCHREIBER

D.P.W.



2001/01/01 11:11

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Chris Hudnet  
GEORGE HUDNET  
Rick Chackson

2415 Autumn View Way 21234  
11833 Gontum Rd 21087  
658 Kenilworth Dr 21208

NO SIGNATURES



Printed with Soybean Ink  
on Recycled Paper

provided that there shall not be any accommodations for public spectators, that no more than one sport organization uses such a facility at one time, and that no such facility includes any lighting of types that would produce substantial offsite illumination nor any provisions for selling public admissions to sports events to be conducted thereon. . . . " The genesis of that use is well known. That section was added to the BCZR in the late 1970s to allow for the construction and use of a physical training facility in Owings Mills by the Baltimore Colts National Football League franchise. At that time, the professional football team sought approval to develop such a facility in Owings Mills and the Council added the use designated in Subsection 40A to allow such a facility as of right.

As to the subject site, it clearly will not accommodate a professional football team. In fact, those sports for which the instant site is geared are golf and baseball/softball. In support of his client's theory, Mr. Gontrum proffered substantial testimony and evidence about the proposed use of the site. He argued that the site will be far more than the usual driving range/batting cages/miniature golf facility. Rather, Mr. Gontrum proffered that the site would be open year around and would have a staff of physical conditioning/training experts to train and assist patrons. It is envisioned that seminars and classrooms will be conducted and that there will be an educational program to develop those physical skills necessary to compete in golf and baseball/softball. Moreover, it is anticipated that a membership will be offered to allow regular patrons to attend classes and receive specialized training in golf and/or baseball/softball. Also exercise equipment will be available geared to the physical training regimen unique to those sports. Lastly, it is noted that the owners/operators have already inquired with recreation counsels,

ORDER RECEIVED FOR FILING

Date

10/10/90  
J. H. Hark

By

RECEIVED



[illegible]

SCALE: 1" = 500'

STRENGTH	TYPE	ADJUSTED CAPABILITY	SLOPE	SEWAGE LIMITATION
I-0	heavy and dry	66-2	5-15	poor
I-1	medium and dry	116-2	0-57	poor
II-0	medium and dry	116-2	5-10	poor
III-0	heavy and dry	116-2	5-10	poor
III-1	heavy and dry	116-2	5-10	poor
III-2	heavy and dry	116-2	5-10	poor
III-3	heavy and dry	116-2	5-10	poor
III-4	heavy and dry	116-2	5-10	poor
III-5	heavy and dry	116-2	5-10	poor
III-6	heavy and dry	116-2	5-10	poor
III-7	heavy and dry	116-2	5-10	poor
III-8	heavy and dry	116-2	5-10	poor
III-9	heavy and dry	116-2	5-10	poor
III-10	heavy and dry	116-2	5-10	poor
III-11	heavy and dry	116-2	5-10	poor
III-12	heavy and dry	116-2	5-10	poor
III-13	heavy and dry	116-2	5-10	poor
III-14	heavy and dry	116-2	5-10	poor
III-15	heavy and dry	116-2	5-10	poor
III-16	heavy and dry	116-2	5-10	poor
III-17	heavy and dry	116-2	5-10	poor
III-18	heavy and dry	116-2	5-10	poor
III-19	heavy and dry	116-2	5-10	poor
III-20	heavy and dry	116-2	5-10	poor
III-21	heavy and dry	116-2	5-10	poor
III-22	heavy and dry	116-2	5-10	poor
III-23	heavy and dry	116-2	5-10	poor
III-24	heavy and dry	116-2	5-10	poor
III-25	heavy and dry	116-2	5-10	poor
III-26	heavy and dry	116-2	5-10	poor
III-27	heavy and dry	116-2	5-10	poor
III-28	heavy and dry	116-2	5-10	poor
III-29	heavy and dry	116-2	5-10	poor
III-30	heavy and dry	116-2	5-10	poor
III-31	heavy and dry	116-2	5-10	poor
III-32	heavy and dry	116-2	5-10	poor
III-33	heavy and dry	116-2	5-10	poor
III-34	heavy and dry	116-2	5-10	poor
III-35	heavy and dry	116-2	5-10	poor
III-36	heavy and dry	116-2	5-10	poor
III-37	heavy and dry	116-2	5-10	poor
III-38	heavy and dry	116-2	5-10	poor
III-39	heavy and dry	116-2	5-10	poor
III-40	heavy and dry	116-2	5-10	poor
III-41	heavy and dry	116-2	5-10	poor
III-42	heavy and dry	116-2	5-10	poor
III-43	heavy and dry	116-2	5-10	poor
III-44	heavy and dry	116-2	5-10	poor
III-45	heavy and dry	116-2	5-10	poor
III-46	heavy and dry	116-2	5-10	poor
III-47	heavy and dry	116-2	5-10	poor
III-48	heavy and dry	116-2	5-10	poor
III-49	heavy and dry	116-2	5-10	poor
III-50	heavy and dry	116-2	5-10	poor
III-51	heavy and dry	116-2	5-10	poor
III-52	heavy and dry	116-2	5-10	poor
III-53	heavy and dry	116-2	5-10	poor
III-54	heavy and dry	116-2	5-10	poor
III-55	heavy and dry	116-2	5-10	poor
III-56	heavy and dry	116-2	5-10	poor
III-57	heavy and dry	116-2	5-10	poor
III-58	heavy and dry	116-2	5-10	poor
III-59	heavy and dry	116-2	5-10	poor
III-60	heavy and dry	116-2	5-10	poor
III-61	heavy and dry	116-2	5-10	poor
III-62	heavy and dry	116-2	5-10	poor
III-63	heavy and dry	116-2	5-10	poor
III-64	heavy and dry	116-2	5-10	poor
III-65	heavy and dry	116-2	5-10	poor
III-66	heavy and dry	116-2	5-10	poor
III-67	heavy and dry	116-2	5-10	poor

EXISTING JOZING		DEVELOPMENT SUMMARY	
FORMER USE	1	ML	
FORMER RANG	2	GOLF DRIVING RANGE	
FORMER RANG	3	BATTING CAGES	
FORMER RANG	4	POLICE CARS FROM 1 WARD	
SPECIAL INSPECTION REQUIRED FOR ALL PROPOSED USES			
REQUIREMENTS		PARKING	
DRIVING RANGE	1. 100 TO 150 SPACES PER THE		
BATTING RANGE	60 TOES 11.5 SPACES PER THE		
BATTING CAGES	9 CAGES X 1.5 SPACES PER CAGE		
POLICE CARS	NUMBER OF SPACES REQUIRED		
TOTAL NUMBER OF PARKING SPACES PROVIDED			
EXISTING SPACES PROVIDED	50 SPACES		
DEVELOPMENT SPACES PROVIDED	20 SPACES		
TOTAL SPACES	70 SPACES		
EXISTING SPACES	14 SPACES		
DEVELOPMENT SPACES	56 SPACES		
TOTAL SPACES	70 SPACES		

UNREFINED  
PETROLEUMS EXHIBIT A  
DEVELOPMENT PLAN /

EXH  
MICROFILMED  
PLAN

1

1

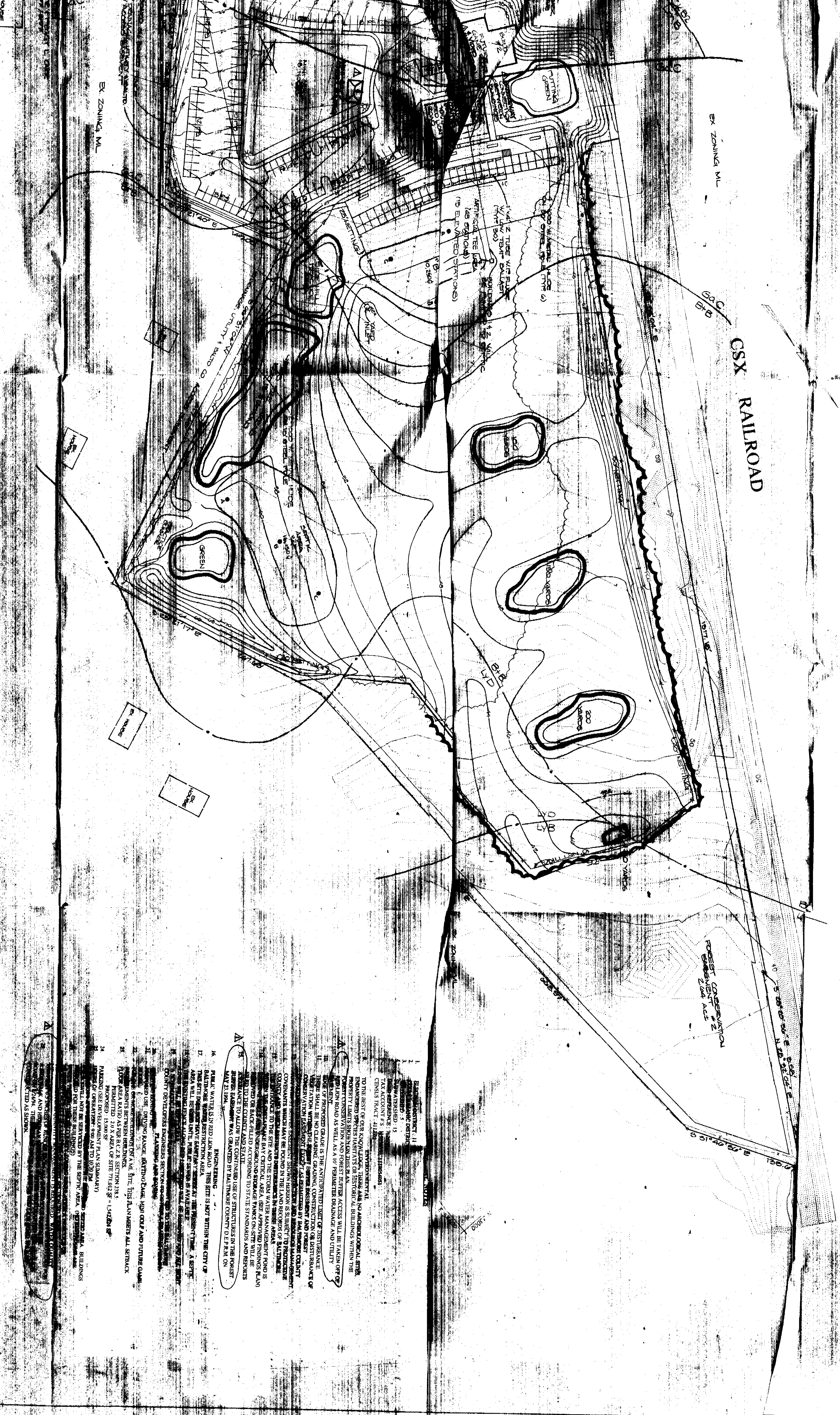
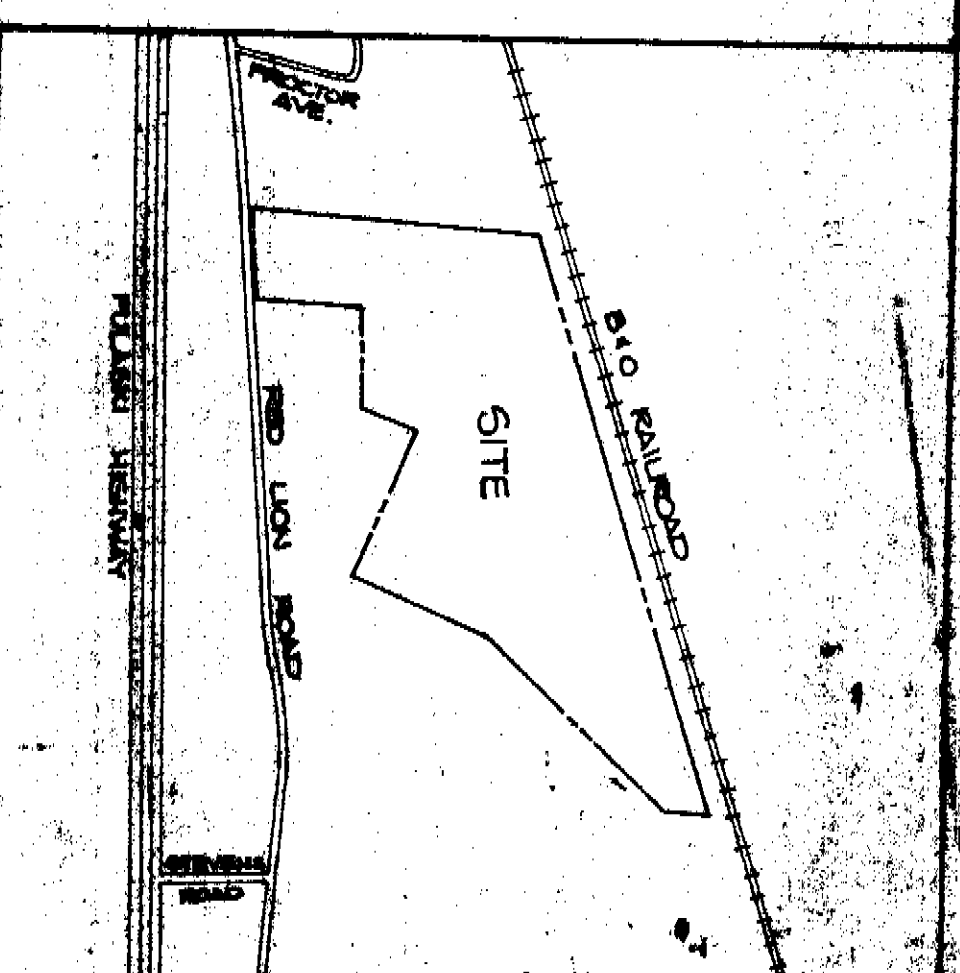


1. LOCATION OF SPECIFIC TREES INDICATED ON A MAP, APPROXIMATELY ONLY, IS NOT BASED ON FIELD SURVEY INFORMATION. MAPS LISTED ONLY MAY BE UTILIZED TO DETERMINE RETENTION FEASIBILITY AND PROTECTION MEASURES.
2. LIMITS OF TREES TO REMAIN ARE INDICATED BASED ON THE APPROXIMATE LIMITED DISTANCE OF DISTURBANCE THAT WILL BE ESTABLISHED.
3. STOCKING AREAS ARE INDICATED BASED ON THE APPROXIMATE LIMITED DISTANCE OF DISTURBANCE THAT WILL BE ESTABLISHED.
4. A LIMITED DISTANCE BASED ON RETENTION FEASIBILITY.
5. SOME TREES ARE INDICATED TO REMAIN BUT DO NOT SATISFY THESE RETENTION AREA REQUIREMENTS. TREES WILL BE BLVD TO REMAIN TREES NOT INCLUDED IN THE DISTANCE BASED ON RETENTION FEASIBILITY.
6. TREES TO REMAIN, INCLUDING TREES TO REMAIN, ARE SUBJECT TO PLAIN REVIEW.
7. ACTIONS TO PROTECT CONSERVATION ELEMENTS WILL BE TAKEN ON THE PUBLIC RECORD.

P.C.E. #1 - 0.46  
P.C.E. #2 - 2.64  
TOTAL 3.10

EX. NUMBER AREA - 5.04  
COMMITTEE AREAS RETURNED - 3.10  
NUMBER TO BE CLAIMED - 2.5  
REDEMPTION / REDEMPTION REQUIRED - 24/24  
P.C.E. REDEMPTION AREA - 1.1

SCALE: 1" = 500'

[illegible]

1	GOLF DRYING RACKS
2	MINI GOLF
3	BATTING CAGES
ME	
1	PROPOSED USER
2	401 F. B. ROSS
3	TRAVELERS TRAVELITY
	PROPOSED USER

4. ADVISE GAVE ROOM 1 VIDEO INSTRUCTION FOR  
CORRECT POSITIONING AND HANDLING OF FILM.

[illegible]

REVISIONS	
DATE	BY
	REMARKS

**DEVELOPMENT PLAN /**  
**THOMASLAND GOLF & BASEBALL**  
**TRAINING FACILITY**

PETITIONERS EXHIBIT #

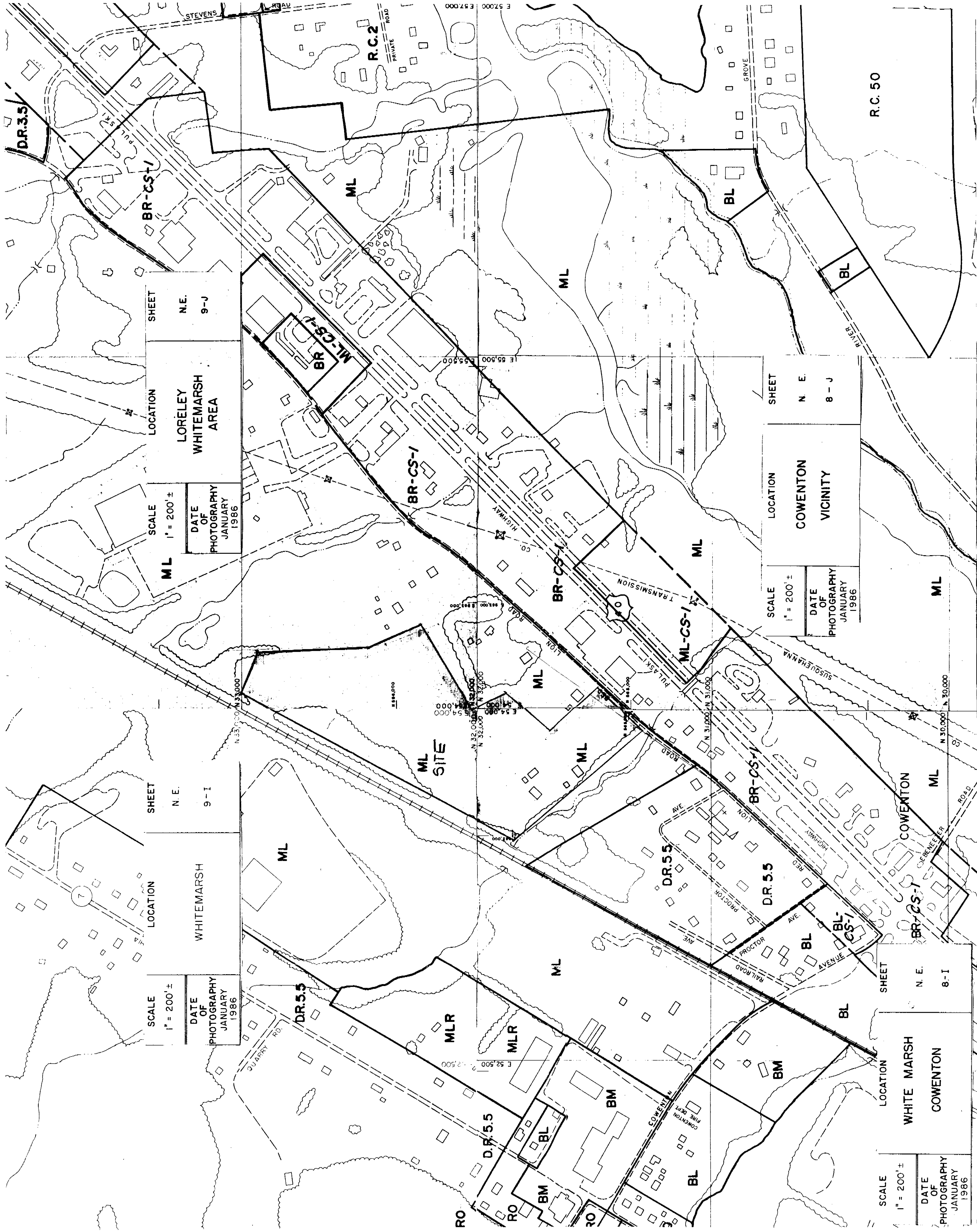












103



IN RE: DEVELOPMENT PLAN HEARING AND PETITION FOR SPECIAL HEARING  
NW/8 Red Lion Rd., 450 ft. (+/-)  
NE of c/l Proctor Avenue  
Thomasland Golf Facility  
11th Election District  
5th Councilmanic District  
Thomasland Associates  
Applicant/Developer

\* BEFORE THE HEARING OFFICER/  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case Nos. XI-701 & 95-96-SPH

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined development plan hearing and Petition for Special Hearing for the property located on Red Lion Road in White Marsh. The property is owned by Thomasland Associates. Development plan approval is sought for the proposed use of the site pursuant to the development regulations found in Title 26 of the Baltimore County Code. As to the Petition for Special Hearing, relief is requested to approve the proposed use of the site as a practice or training, physical conditioning facility in an M.L. zone.

Appearing at the required Hearing Officer's hearing was Chris Hudnet and George Hudnet, principals of Thomasland Associates. Also appearing was Rick Chadsey, the engineer from G.W. Stephens and Associates, Inc., who prepared the site plan. The Petitioner was represented by John B. Gontrum, Esquire. Also present were several representatives of the various Baltimore County agencies which evaluated the project. These included David Flowers, the Project Manager, Joseph Merrey from the Office of Zoning Administration and Development Management (ZADM), Leslie Schreiber from the Department of Public Works, and Francis Morsey from the Office of Planning and Zoning. There were no Protestants or other interested persons present.

As to the history of the development plan approval process, a Concept Plan was submitted on March 14, 1994. Thereafter a Community Input Meeting was held on April 18, 1994 at the Perry Hall High School, and a second meeting conducted on June 2, 1994 at the White Marsh Library. The Development Plan was submitted and a conference was held on August 24, 1994. The Hearing Officer's hearing was scheduled and held on October 4, 1994 in its entirety.

As to an overview of the subject site, the property is 17.74 acres in area and is zoned M.L. Presently, the site is unimproved. The property lies adjacent to Red Lion Road and also shares a common border with the B & O Railroad line which runs in a northeast/southwest direction. The site is easily accessed by Pulaski Highway.

The Petitioner proposes development of the subject site as a golf and baseball training facility. As shown on the site plan, proposed is a large driving range area, a mini-golf facility, a baseball/softball batting instructional area and three buildings which will house offices, physical fitness equipment, classrooms and similar facilities.

As to the development plan, I am required, pursuant to Section 26-206 of the Baltimore County Code to determine if any outstanding or unresolved issues exist which would prohibit development. Obviously, no concerns or comments were raised in this respect from the surrounding community in that no one appeared from the vicinity in opposition. As to County issues, Mr. Schreiber indicated that a number of his department's boiler plate issues had been addressed on the revised red line plan. He did request, however, an addition on the plan to show a 15" utility line inside an easement area and to note that the right of way for said easement had been dedicated to the County. Also, he requested that the standard sight distance comment, indicating that this line of sight be kept clear,

- 2 -

graded and free of obstruction, be added. The Developer and its engineer indicated that these revisions were acceptable and would be added to any approved plan.

On behalf of the other agencies present, Messrs Morsey and Merrey indicated that no development plan issues were outstanding. Thus, pursuant to the Code, the development plan should be approved as revised with the red line additions noted hereinabove.

The major issue presented for deliberation relates to the zoning case and the Petition for Special Hearing. In this respect, significant testimony was offered by Mr. Merrey and proffered on behalf of the Developer/Petitioner by Mr. Gontrum. The issue presented here is simple to identify but difficult to resolve. In essence, the issue turns on the Developer's request for a determination that the proposed use is permitted as of right in an M.L. zone pursuant to Section 253.1.A(40a) of the Baltimore County Zoning Regulations (BCZR).

As noted above, the site is zoned M.L. Moreover, as is well settled, the Baltimore County Zoning Regulations are written in the affirmative; that is, only those uses specifically identified are permitted by right or special exception. See Kowalski v. Lamar, 25 Md. App. 493, (1975). Uses not delineated in the regulations as permitted by right or special exception are not allowed.

A review of the uses permitted in an M.L. zone in Section 253 of the BCZR fails to disclose any specifically identified use which precisely meets the proposed use here. The Developer/Petitioner, through their Petition for Special Hearing, requests a determination that the proposed use falls within that use allowed by Section 253.1.A.(40a) of the BCZR.

That section allows "A practice or training, physical conditioning facilities and fields for amateur or professional sports organizations,

- 3 -

provided that there shall not be any accommodations for public spectators, that no more than one sport organization uses such a facility at one time, and that no such facility includes any lighting of types that would produce substantial offsite illumination nor any provisions for selling public admissions to sports events to be conducted thereon. . . . The genesis of that use is well known. That section was added to the BCZR in the late 1970s to allow for the construction and use of a physical training facility in Owings Mills by the Baltimore Colts National Football League franchise. At that time, the professional football team sought approval to develop such a facility in Owings Mills and the Council added the use designated in Subsection 40A to allow such a facility as of right.

As to the subject site, it clearly will not accommodate a professional football team. In fact, those sports for which the instant site is geared are golf and baseball/softball. In support of his client's theory, Mr. Gontrum proffered substantial testimony and evidence about the proposed use of the site. He argued that the site will be far more than the usual driving range/batting cages/minature golf facility. Rather, Mr. Gontrum proffered that the site would be open year around and would have a staff of physical conditioning/training experts to train and assist patrons. It is envisioned that seminars and classrooms will be conducted and that there will be an educational program to develop those physical skills necessary to compete in golf and baseball/softball. Moreover, it is anticipated that a membership will be offered to allow regular patrons to attend classes and receive specialized training in golf and/or baseball/softball. Also exercise equipment will be available geared to the physical training regimen unique to those sports. Lastly, it is noted that the owners/operators have already inquired with recreation counsels,

- 4 -

colleges and school systems in an effort to enlist these amateur organizations to establish memberships at the facility.

In further support of this argument, the Developer/Petitioner offered two other opinions rendered by this office relating to this issue. In case No. 89-248-SPH, then Zoning Commissioner, J. Robert Haines, addressed the issue of whether a Holiday Universal Health Center was permitted in an M.L. zone pursuant to Section 253.1.A.(40A). In a well thought out decision, Commissioner Haines opined that "When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property." Citing Mayor of Baltimore v. Byrd, 62 A2d 588, (1948) and Lake Adventure, Inc. v. Zoning Hearing Board of Dingham Township, 440 A2d 588 (1948) (PA.CMWLTH., 1982).

Commissioner Haines held in that case that the proposed fitness center and physical conditioning facility was a permitted use in an M.L. zone as a matter of right. He held that such a use fell within the broad language contained within Section 253.1.A.(40A).

A similar result was reached by Commissioner Haines in case No. 90-295-SPHA. That matter eventually reached the Board of Appeals on appeal wherein it was held that a fitness/wellness center on an M.L.-I.M. zone was permitted as of right.

In considering the instant case, it is of particular note that the location and characteristics of the subject site appear ideally matched to the proposed use. The tract is of sufficient acreage to support the proposed use and is near major arterial roads. Traffic congestion will not be a problem. Moreover, the site is located immediately adjacent to the B & O Railroad line. As such, the number of uses are limited and this proposed recreational facility will prove an ideal fit to the property. It

- 5 -

is also to be noted that the facility is unique and will provide amenities to Baltimore County and more particularly the White Marsh area.

In considering the definition contained within Section 253.1.A.(40A), it is to be noted that the use described therein encompasses both practice or training physical conditioning facilities. The definition is written in the disjunctive; therefore, either use is allowed. One might argue that the proposed use does not promote physical fitness in the same sense as a health spa or fitness center. Although some athletic equipment will be on site, the proposed use is not a gym, fitness center or spa. No one will patronize this site to obtain a traditional physical workout either through aerobics, weights, nautilus, etc. However, the definition does allow a practice facility. Baseball/softball and golf are sporting pursuits which require repetitive practice in order to achieve maximum results. In this regard, the site surely is a practice facility in that it provides its patrons the opportunity for necessary repetitions and instructions in these disciplines. Moreover, it was proffered that the remaining portions of the definition, prohibiting public accommodations, improper lighting, ticket sales, etc., will not occur here. Moreover, the site will be utilized by amateur associations, (e.g., recreation counsels, colleges, etc.)

Under these circumstances, based upon the uncontradicted testimony and evidence offered, I am persuaded that the proposed use fits within the language contained within Section 253.1.A.(40A). Thus, I shall hold that this site, as described on the site plan, is a permissible use in the M.L. zone.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the develop-

- 6 -

ment plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of October 1994, that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to use the site as herein described on the site plan, in an M.L. zone, under Section 253.1.A.(40A), be and is hereby GRANTED.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

LES:mmm

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 10/14/94  
By Mr. Howard

- 7 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 13, 1994

John G. Gontrum, Esquire  
814 Eastern Boulevard  
Essex, Maryland 21221

RE: Case Nos. XI-701 and 95-96-SPH  
Project: Thomasland Golf Facility  
Thomasland Associates, Developer  
Location: Red Lion Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Development Plan Order and Petition for Special Hearing have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
att.

cc: Mr. Chris Hudnet  
Mr. George Hudnet  
cc: Mr. Dave Flowers, Project Manager  
cc: Various County agencies









Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

9-27-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: ~~4-15~~ (WCE)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
David Ramsey, Acting Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

October 3, 1994

John B. Gontrum, Esquire  
814 Eastern Boulevard  
Essex, MD 21221

RE: Preliminary Petition Review (Item #103)  
Legal Owner: Thomasland Associates  
Red Lion Road (Thomasland Golf and  
Baseball Training Facility)  
11th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The issue is not whether a "practice or training physical conditioning facility" is permitted in a M.L. zone. Such an enterprise is permitted as a matter of right. The question presented is whether the "Thomasland" facility, as proposed, is a "practice or training physical conditioning facility" within the purview of Section 153.1.A.40.a (BCZR).

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on Recycled Paper

John B. Gontrum, Esquire  
October 3, 1994  
Page 2

2. Site plan incorrectly reflects under the "Development Summary" note that a special exception (is) required for all proposed uses.
3. There is no telephone number for the legal owner on the petition forms.
4. The petition forms need to have the typed or printed name and title of the person signing for the legal owner.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Herrey  
Planner I

:scj

Enclosure (receipt)

cc: Zoning Commissioner

RE: PETITION FOR SPECIAL HEARING \*  
N/S of Red Lion Road, between \*  
Proctor Avenue and Stevens Road \*  
11th Election Dist., 5th Councilmanic \*  
Thomasland Associates \*  
Petitioners \*  
\* \* \* \* \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 95-96-SPH  
\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Charles S. Demilio  
CAROL S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26<sup>th</sup> day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

Community Input Meeting  
Thomasland Golf Facility  
White Marsh Library 7:00

Rich Chubb  
Joan Horne

John W. Lanthier  
DF

6-15-94

Concept Plan John W. Lanthier

- \* Don't know what the County is going to do about the site. It was agreed that the County would not be involved in the project.

Recreation Complex

Have public water / not public sewer.

- Full Flap, Golf Facility, June 1994
- Bathing Cages
- Mountain Golf / secondary use

- Extend the Ferry along CSX RR

- \* If the SWM pond remains in the same location it will be part of CBR.

- Do we need another Golf Course?

- Bond Maill /  
Ferry is bad / King Hill Ave.

- No question whether sewer will be in the area in 20 years.

7-8  
2 letter  
1 letter

Have public sewer will not be here in 5 years  
Public water may have to dig sewer to serve the area.

- \* Have been training, from an area will almost to be a permanent one to be determined at the zoning hearing

Capital Budgeting Harry Yon 3,000  
mud 400, miler

- \* The use of partial utility

- ① - SW will be done to SWM
- ② - make golf course the quality
- ③ - not about to be shown

- \* Location of SWM pond  
to be done the pond not out for a waiver of CBR  
- located them because the plan of the water in that direction.

How the facility is operated for part time use VS full time use

Having fairly a long time to make the difference

\* Traffic  
138 parking spaces.  
Red Lion Rd is not adequate  
- 2 hill  
- small culvert

There are 2 signs

Wing Center for the people who live there

Are you going to enter Red Lion Rd.

- Study all lot of traffic for Red Lion Rd.  
very it and about at what of Red 40 + RC 7
- a lot of traffic on Red Lion Rd.
- make it a lot of traffic

\* Weekend use  
Make park hours part of a week

\* Flow of 9 to 10:30

- Red 40 + RC 7  
with a way that will improve the off
- Red 40 + 40 will improve with new flow

- \* Sight Distance factor equal security on Red Lion Rd.
- \* This project will address to all traffic side distance factors.

\* There will be a fence to keep the bills off CSX RR

R. P.H. Coker  
- report to all party  
- not a lot of traffic

- \* Not a lot of traffic  
just with the party to get in with the community

Not in my last year



Community Input Meeting  
Minutes of the Meeting # 2

Date: June 1994

Name of Development: Thomasland Golf Facility  
ZAOM File No. XI-701

Location: North side of Red Lion Road west  
of Stevens Rd., 10926 Red Lion Rd

Date of Meeting: Tuesday June 7, 1994

Start Time: 7:00 p.m.

End Time: 8:00 p.m.

Project: 17.7 acres

Proposal One: Residential Complex,  
Full Golf Facility,  
Bathing Cages

This Community Input Meeting (C117) was held in the meeting room of the White Marsh Library, 8133 Sandpiper Circle and began at 7:00 p.m. David Glawson, Project Manager, representing Baltimore County, Dept. of Zoning Administration and Development Management (ZAOM), explained the County Development Regulations relating to the C117, the Concept Plan, Development Plan and the public hearing before the Hearing Officer.

Mr. John Dantum, the attorney representing the developer of the property, was introduced. Mr. Dantum explained the development proposal to the community by describing the following:

1) Site Constraints Plan

This is a plan that outlines the subject property and indicates the existing features of the land. The plan shows features such as:

- buildings
- trees
- streams
- wetlands
- open areas
- etc.

2. Concept Plan

This is a plan that outlines how the proposed development will be constructed on the subject property. The plan shows:

- layout of the golf facility
- roads
- parking
- buildings
- landscaping
- storm water management
- etc.

3) An aerial photograph of the subject property was also on display.

The various Baltimore County Departments have provided written comments for the proposed development. These comments provide information and recommendations for this golf facility to be in compliance with County regulations. Mr. Dantum had these comments available for the meeting attendees.

After the presentation Mr. Rick Chackay and Mr. Dean Hoon, engineers for George W. Stephens and Associates were introduced.

The meeting was open for questions and comments from the community.

- A resident asked why do we need another Golf Course? There are a number of driving ranges all ready in the general area.

There is a need for golf facilities in Balt. County. It is one of the highest growth recreational sports in the country. Balt. County has one of the lowest number of golf courses and facilities in the nation. There is a need to satisfy this market.

- What about public sewer service?

There is no guarantee that public sewer will be in the area within 5 years. Private interest may have to bring public sewer service into the area. The Baltimore County Capital Budget indicates service by approximately year 2,000.

- What is the difference for this development - golf facility - to be an "interim use" instead of a permanent use?

By providing training, having a pro on

site will allow the facility to be a permanent use. This will be determined at the public hearing. Training + instructions make the difference. Schools will allow this facility such as E.C.C.

- The use of pesticides and fertilizers is a concern of the residents.

Yes there will be the use of pesticides and fertilizers on the site. The use and application of these products is state regulated.

The storm water run-off from this site will be directed into the storm water management facility. This facility will be designed to provide water quality. There will not be any direct discharge into any streams. Also the area will not be that of a 18 hole Golf Course quality that requires a higher level of pesticide and fertilizer application.

- Could Antifoul 1 be used? Maybe
- The residents are very concerned about traffic. Red Lion Rd is not adequate now for the amount of traffic that the community has to live with. There are a number of vehicles that use this road as a short cut instead of Rt 40 and Rt 7. There currently exists 2 hills and a small culvert on Red Lion Rd that creates a safety issue. Trucks are a traffic issue.

This facility will not generate traffic during the peak hours of traffic, such as 7-9 a.m. and 4-6 p.m. During the day, after work and weekend use will be the



Also 'RE 43' and 'RT 7' intersection is being improved and RE 43 and RT 40 intersection will improve in the near future. These improvements will also help the traffic situation.

— There are several electronic factors that currently exist in Red Lion that ~~the~~ the community feels are not safe.

This proposal will address to all traffic requirements including proper safe distances.

most - The comment questions the location of the Storm Water Management Facility.

A portion of the property is located within the Chesapeake Bay Critical Area. This requires infiltration of storm water. If infiltration is not feasible then the developer must ask for a waiver of this requirement to have a detention facility.

The S.W.P. facility is located in the area because the flow of water is in that direction.

\* There will be a fence to keep golf balls off of CSX Rail Road.

\* The site will be landscaped all along the property.

The community has existing problems that are not the result of this golf facility such as noise, traffic, public sewer service, etc. The residents have nothin against golf. However they want this facility to fit in and be part of the community, and not something that they have to put up with.

With no other questions from the community,  
the meeting was adjourned.

07.  
Project Manager  
Development Management

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES  
SIGN-IN SHEET

NAME  
FRANCIS MORSEY  
JOE MURRY  
LES SCHREIBER

ADDRESS  
PLANNING

Find  
D.P.U

PLEASE PRINT CLEARLY


PETITIONER(S) SIGN-IN SHEET

NAME \_\_\_\_\_

Chris Hudson  
GEORGE HUDN  
Rick One

ADDRESS

2415 Autumn View Way 21234  
11833 Guntown Rd 21087  
6050 Kenilworth Dr 21204

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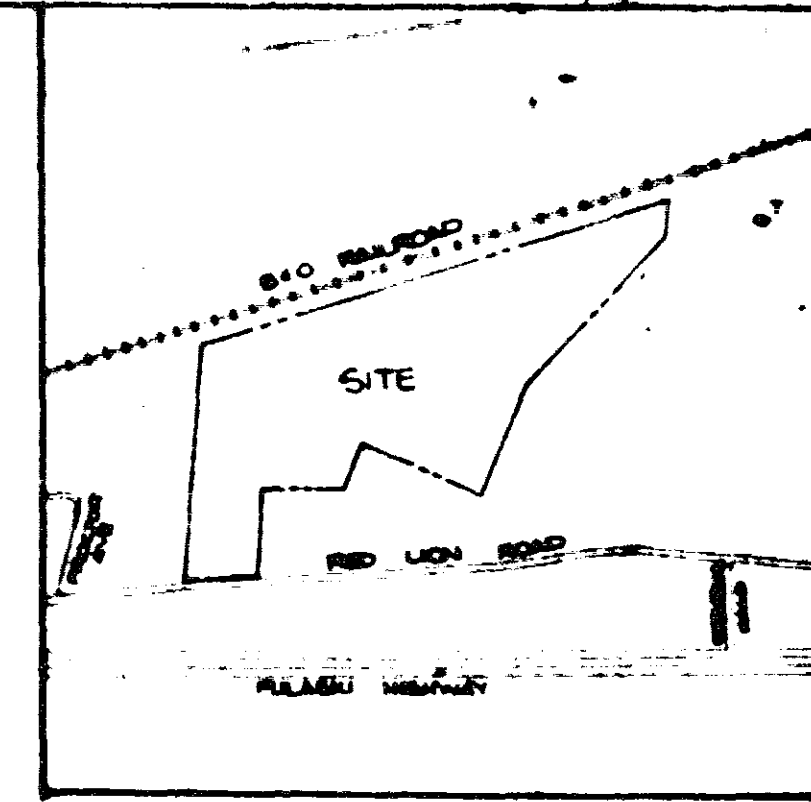


THE UNIVERSITY OF CHICAGO  
 5408 S. UNIVERSITY AVE.  
 CHICAGO, ILL. 60637  
 TEL: 773-936-5000  
 FAX: 773-936-5000

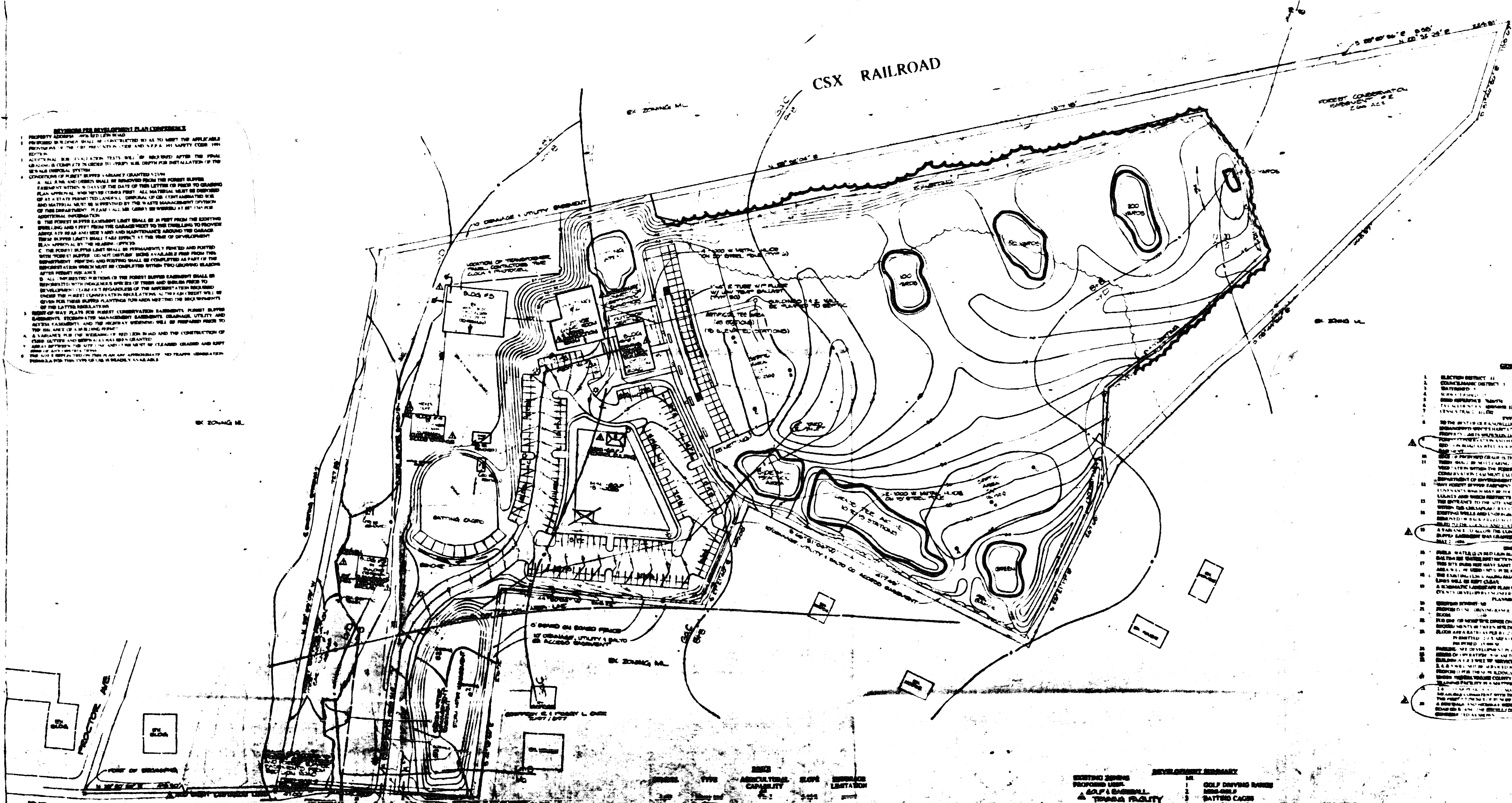


BALTIMORE COUNTY, MD. ELECTION DISTRICT 20  
SCALE 1" = 50' DATE 12/28/88



[illegible]

**LOCATION MAP**  
SCALE 1" = 500'

[illegible][illegible]

**DEVELOPMENT SUMMARY**

EXISTING SWIMS	12	
PROPOSED SWIMS	1	GOLF DRIVING RANGE
	2	MINI-GOLFS
▲ GOLF & BASEBALL	3	BATTED CAGES
▲ TENNIS FACILITY	4	BUTLER CAGE WITH 4 COURT RESTRICTION SIGN

— SPECIAL REQUESTS REQUIRED FOR ALL PROPOSED SWIMS —

REQUIREMENTS		REMARKS	
MINIMUM OF 10 FEET X 1.5 SPACES PER TEN SERVING STATION	40 FEET X 1.5 SPACES PER TEN SERVING STATION	10 FEET X 1.5 SPACES PER ONE	10 SPACES
MINIMUM OF 10 FEET X 1.5 SPACES PER ONE TOTAL NUMBER OF SPACES REQUIRED			10 SPACES
MINIMUM OF 10 FEET X 1.5 SPACES PER ONE TOTAL NUMBER OF SPACES PROVIDED			10 SPACES
MINIMUM OF 10 FEET X 1.5 SPACES PER ONE TOTAL NUMBER OF SPACES PROVIDED			10 SPACES

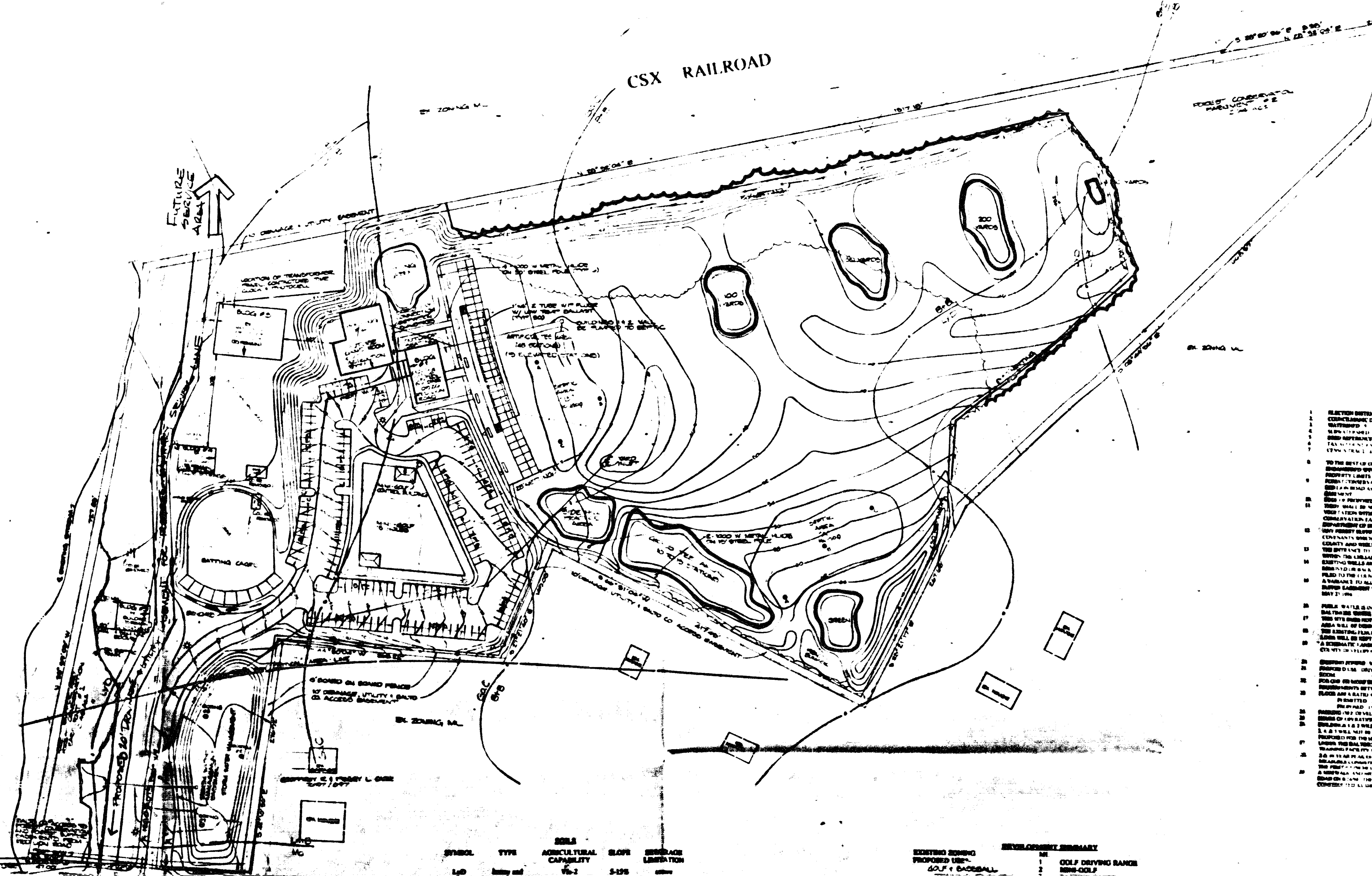
PETITIONERS EXHIBIT #1

# DEVELOPMENT PLAN / THOMASLAND GOLF & BASEBALL TRAINING FACILITY

BALTIMORE COUNTY, MD. ELECTION DISTRICT-12-5  
SCALE: 1" = 50' DATE: 3/2/94



PL 1A

[illegible]

DEVELOPMENT SUMMARY	
EXISTING ZONING	M1
PROPOSED USE:-	1 GOLF DRIVING RANGE
GOLF & BASEBALL	2 MINI-GOLF
TRAINING FACILITY	3 BATTING CAGES
	4 PUTTING GAME ROOM & VIDEO INSTRUCTION ROOM
SPECIAL EXCEPTION REQUIRED FOR ALL PROPOSED USES	

<u>PARKING</u>	
<u>REGISTRATION:</u>	
MP4-GOLF 10 BOLLIS X 1.5 SPACES PER THE	• 27 SP4/15
DRIVEN RANGE 60 TUBS X 1.5 SPACES PER THE	• 90 SP4/25
BATTING CAGES 9 CAGES X 1.5 SPACES PER CAGE	• 13 SP4/15
TOTAL NUMBER OF SPACES REQUIRED	131 SPACES
<u>RESTROOMS:</u>	
PARKING SPACES PROVIDED	• 150 SPACES
BACKUP SPACES PROVIDED	• 1 SPACES
TOTAL NUMBER OF PARKING SPACES PROVIDED	• 150 SP4/15

[illegible]

# ECO SCIENCE

# DEVELOPMENT PLAN / THOMASLAND GOLF & BASEBALL TRAINING FACILITY

BALTIMORE COUNTY, MD. ELECTION DISTRICT-1P25  
SCALE 1" = 50' DATE: 2/23/84

**GWS** **GEORGE WILLIAM STEPHENS, AND ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
1000 W. 10TH AVE. SUITE 100  
DENVER, COLORADO 80202



